

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION

THIS DOCUMENT RELATES TO:

“Track One B”

MDL No. 2804

Case No. 1:17-md-2804

Judge Dan Aaron Polster

**DEFENDANTS’ PROPOSED ADDITIONAL
QUESTIONS FOR VOIR DIRE**

I.

Defendants’ Proposed Additional Questions for Court’s *Voir Dire* Examination

Pursuant to the Court’s directive in its Revised Track One-B Civil Jury Trial Order (Dkt. No. 3308 at III(b)(3)), Defendants request that the Court consider adding the following questions to the Court’s *voir dire* examination of the jury panel:

1. Do you have any negative opinions about drug distributors, pharmaceutical companies, or pharmacies?
2. This case is being brought by Cuyahoga County and Summit County against companies, most of which are from outside of the State of Ohio – Based on this information, would anyone on the jury panel tend to start out favoring the Counties in this case?
3. If the Counties fail to prove their case, would you be able to return a verdict in favor of the Defendants even though you may live in one of the Counties?
4. Is there anyone on the jury panel who thinks that opioid medications can never be used safely?
5. Have you heard, read, or seen anything about lawsuits against any of the following entities? [Read a list of Track 1 Defendants.]

6. Having now heard something about this lawsuit, is there anyone here who has any experience, knowledge, opinions or feelings that may be relevant to the issues in this case? Please explain what those are.

7. Do you think that even though the burden is on the Plaintiff Counties to prove their case, the Defendant companies should have to prove they did nothing wrong?

8. Would it be difficult for you to follow a law that stated that corporations and the parties suing the corporations must be treated equally in a lawsuit?

9. Do you think that since there are multiple Defendants here in this lawsuit then that probably means those who are being sued likely did something wrong?

10. There are several separate and distinct Defendants named in this case – is there anyone here who would have difficulty considering the evidence, if any, as to each separate defendant rather than grouping the Defendants together when considering the questions you will be asked to decide in this case?

11. Do you believe that the fact that the Counties brought this lawsuit against these Defendants and are here today for trial means that there must be at least some merit to Plaintiffs' allegations?

II.

Covid Questions

The questionnaires completed by the prospective jurors contain specific inquiries related to the COVID 19 pandemic and possible impact on the prospective jurors. Defendants believe that there should be some follow-up question during *voir dire*, if for no other reason than to bring the questionnaire answers up to date. At a minimum, Defendants suggest the following inquiry:

When you responded to the written questionnaire that you answered by mail, you were asked a number of questions about whether the COVID-19 pandemic had impacted you, your family or people close to you. In the time since you answered those questions, has there been any change, including whether you have contracted COVID-19 or been exposed to it or are otherwise suffering hardships as a result?

Dated: October 2, 2020

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on October 2, 2020 a copy of the foregoing has been served via CM/ECF to all counsel of record.

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